

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JODY KRISS, *et al.*,

x

Plaintiffs,

-against-

BAYROCK GROUP LLC, *et al.*,

Defendants.

13 Civ. 3905 (LGS)

**Affirmation of Joshua D. Liston in
Opposition to Plaintiffs' Motion
for Remand and for Enlargement
of Time**

x

I, Joshua D. Liston, being of lawful age, state the following:

1. I am an attorney admitted to practice before the United States District Court for the Southern District of New York and am a partner of the firm of Beys Stein Mobaraga & Berland LLP, counsel for Defendant Felix Sater in this action. I submit this affirmation in Opposition to Plaintiffs' Motion for Remand and for Enlargement of Time.
2. Attached hereto as Exhibit 1 is a true and correct copy of excerpts of the transcript of the February 14, 2011 oral argument before the U.S. Court of Appeals for the Second Circuit.
3. Attached hereto as Exhibit 2 is a true and correct copy of the Summons with Notice, filed May 10, 2013.
4. Attached hereto as Exhibit 3 is a true and correct copy of an Opinion and Order, filed August 27, 2012.
5. Attached hereto as Exhibit 4 is a true and correct copy of a Notice of Appeal, filed June 14, 2013.
6. Attached hereto as Exhibit 5 is a true and correct copy of a Letter from T. Kaminsky to Hon. I. Leo Glasser, dated Mar. 17, 2011.

7. Attached hereto as Exhibit 6 is a true and correct copy of an Affidavit from J. Bernstein, dated Sept. 19, 2011.

8. Attached hereto as Exhibit 7 is a true and correct copy of an Email from F. Oberlander to J. Bernstein et al., dated March 4, 2010.

9. Attached hereto as Exhibit 8 is a true and correct copy of an Email from F. Oberlander to R. Kriss, dated May 12, 2010.

10. Attached hereto as Exhibit 9 is a true and correct copy of a Summary Order, dated June 29, 2011 and filed December 20, 2011.

11. Attached hereto as Exhibit 10 is a true and correct copy of a Letter from F. Oberlander to B. Herman, dated Nov. 9, 2010.

12. Attached hereto as Exhibit 11 is a true and correct copy of a Summary Order, filed February 14, 2011.

13. Attached hereto as Exhibit 12 is a true and correct copy of *By Revealing Man's Past, Lawyer Tests Court Secrecy*, N.Y. Times, February 5, 2012.

14. Attached hereto as Exhibit 13 is a true and correct copy of a Scheduling Order, filed March 23, 2011.

15. Attached hereto as Exhibit 14 is a true and correct copy of an Order, filed May 13, 2011.

16. Attached hereto as Exhibit 15 is a true and correct copy of the transcript of the April 1, 2011 hearing before Judge Cogan.

I declare under penalty of perjury under the laws of the United States that the foregoing
is true and correct.

Dated: August 16, 2013

/s Joshua D. Liston